Ellen FYI
Hanna

Downtown to celebrate

Events tomorrow include fireworks

Staff reports

A candlelight procession will be the highlight of a daylong holiday celebration tomorrow in downtown Rochester.

City officials say the event will reflect local and worldwide efforts to achieve peace, from the agreements being negotiated in the Middle East to the calls to reduce violence in Rochester.

"There is definitely a need and desire to focus on things that bring people together harmoniously and celebrate efforts to attain peace," said Loretta Scott, commissioner of parks, recreation and human services.

The festivities begin at 1 p.m. with free horse-drawn wagon tours of downtown, starting at the Liberty Pole on East Main Street.

Live music, including a concert by a children's chorus, will be performed at 2 p.m.

Preparation for the candlelight procession will begin at 4:30 p.m. when candles will be distributed. Free hot chocolate, courtesy of the Olive Garden Restaurant, also will be provided.

The procession, led by the John Marshall High School Marching Band, will begin at 5:15 p.m. at the Liberty Pole and continue to the Main Street Bridge.

The celebration will end with a fireworks display, which can be viewed from the Main Street Bridge at 5:45 p.m.

The city is not sponsoring a holiday parade this year because of declining public interest in the event, Scott said.

Johnson backs Gay Alliance

But city still fights tax exemption

By GARY CRAIG
Staff writer

Mayor-elect William A. Johnson Jr. believes the Gay Alliance of Genesee Valley's community center qualifies for a property tax exemption, but that hasn't stopped the current city administration from continuing a legal fight against the exemption.

The city has appealed a state Supreme Court justice's ruling that Rochester officials erred when they refused to grant the exemption for the alliance's community center at 179-183 Atlantic Ave.

Earlier this week, lawyers for the city and the alliance scrapped in an appellate court over a dispute which, if Johnson keeps to his word, could be moot within months.

"The city wants to get a reversal ... before ... (Johnson) comes in and tosses the whole thing out," Paul Scheib, a former president of the Alliance, said after the hearing.

In April, Justice Andrew Siracuse ruled the city must grant the exemption. Siracuse said the city appeared to be discriminating against the alliance because it's an advocacy organization for gays and lesbians.

"We have responsibilities up until Dec. 31," said Mayor Thomas P. Ryan Jr. "What Mr. Johnson does afterward is his concern."

Johnson has said at past forums that he would abide by Siracuse's ruling. He said again yesterday that he believes Siracuse ruled properly.

"If I were in office I would not pursue that appeal," Johnson said. "But it's still (Ryan's) call. It's his call until Dec. 31."

In the appeal to the Appellate Division of state Supreme Court, city lawyers claimed Siracuse's ruling lacked evidence that the Alliance should receive the exemption. Under state law, an organization must be "educational, charitable" or must foster "moral or mental improvement of men, women or children" to receive an exemption.

City officials argue that the Alliance does not meet the statute, and that being an advocacy organization does not necessarily make the organization "charitable."

"If an organization promoting gay rights is tax-exempt, why not an organization promoting the rights of nonsmokers," city lawyers argued in their papers. "An organization promoting the rights of animals?"

Alliance lawyers have claimed that the organization clearly meets the standards.

"There is not an organization (in the city) besides the Gay Alliance that has been denied a property tax exemption because it advocates," alliance attorney Ellen Yacknin argued before the Appellate Court. The Regional Council on Aging, an advocacy organization for the elderly, receives an exemption, she noted.

Ryan said in an interview Tuesday that the city can't abandon its appeal of Siracuse's ruling because Johnson may think the ruling was correct.

He said the ruling could have "policy implications" that could broaden the types of property that can receive exemptions.

"There isn't any subject of local government where the procedures and substantive law are more strictly regulated than the procedures of property tax law," said Ryan. "No mayor or (city) corporation counsel can give a tax exemption unless it is authorized by state statute."